

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800

Filed: 5/22/03
 49th Day: 7/10/03
 180th Day: 11/18/03
 Extended to: 2/15/04
 Staff: MH-V
 Staff Report: 12/18/03
 Hearing Date: 1/14/04
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-02-251

APPLICANT: Santa Barbara County, Parks and Recreation Department

PROJECT LOCATION: 5986 Sandspit Road, Goleta Beach County Park, Goleta

PROJECT DESCRIPTION: Retain 600 lineal feet of rock riprap placed at Goleta Beach County Park under Emergency Permit No. 4-02-251-G, for a two-year temporary term.

MOTION & RESOLUTION: Page 2

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project, to authorize the retention of the riprap revetment, for a limited term of thirty (30) months from the date of Commission approval of CDP 4-02-251 (Special Condition 1), provided that substantial studies of the impacts of the revetment, and of alternatives, are successfully completed (Special Condition 2) within the prescribed period of time. Permanent retention of the revetment or an alternative proposal would require further Commission consideration and approval. If the revetment is not authorized by the Commission removal of the revetment is required.

Staff believes completion of studies compliant with the requirements of Special Condition 2 will provide sufficient information for the Commission to determine the best alternative for permanent management of erosion at Goleta Beach, consistent with the requirements of Chapter 3 of the Coastal Act.

The recommended special conditions require that the County submit one or more timely coastal development permit applications for a permanent proposal for Goleta Beach before the expiration of this permit. Other special conditions address measures to enhance beach and intertidal habitats and to provide beach nourishment as necessary for the duration of this permit (Special Condition 3), provide for the County to secure State Lands Commission review (and any lease the SLC deems necessary) prior to permit issuance (Special Condition 4), and include an assumption of risk condition (Special Condition 5).

NOTE on TIMING: The 180-day review period is extended by agreement with the County until February 15, 2004. The February Coastal Commission meeting is scheduled for February 18 – 20, 2004, therefore the Commission must act on the subject application no later than the January 2004 Commission meeting.

APPROVALS RECEIVED: Santa Barbara County Planning and Development

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-251 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Term of Permit; Subsequent Removal of Revetment

- (A) This permit approval is valid for a total term of thirty (30) months, commencing upon the date of Commission approval of Coastal Development Permit 4-02-251.
- (B) The County shall complete the final study required by Special Condition 2 and submit the results thereof to the Executive Director, within the thirty-month term of the permit. Prior to the expiration of Coastal Development Permit 4-02-251, the County shall submit to the Commission: 1) a complete application to retain the subject revetment permanently, or 2) a complete application for an alternative project to address erosion at Goleta Beach; and/or 3) a complete application to remove the subject revetment.
- (C) If the Commission does not approve the permanent retention of the subject revetment pursuant to a coastal development permit application submitted by the County in accordance with the requirements of subparagraph (B) above, the County shall remove the subject revetment and restore the affected portion of Goleta Beach. Removal of the subject revetment requires a coastal development permit. Within thirty (30) days of Commission denial of an application to retain the revetment, the County shall submit a complete application to remove the revetment and shall remove the revetment in accordance with the applicable timelines established by the Commission in approving a coastal development permit for such removal. If, however, a complete application for a coastal development permit for retention or removal of the revetment is pending, and delay for the purpose of Commission consideration of the application is therefore beyond the applicant's control, the applicable timelines shall be extended until the Commission acts on the relevant pending application.
- (D) Failure by the County to: a) submit draft and final study plans acceptable to the Executive Director and in accordance with other applicable requirements of Special Condition 2, including relevant timelines, or b) failure to timely submit applicable complete coastal development permit applications pursuant to Subparagraphs (B) and (C) (above) in this special condition, may lead to further action by the Commission's Enforcement Unit.

2. Technical Study of Goleta Beach Erosion & Effects of Shoreline Protection Structures

Prior to the issuance of Coastal Development Permit 4-02-251, but not later than April 15, 2004, the County shall submit a draft study plan for the review and approval of the Executive Director that incorporates at a minimum the elements set forth below. The study shall be revised by the County to incorporate the comments of the Executive Director, and submitted to the Executive Director for final approval not later than June 15, 2004. Coastal Development Permit 4-02-251 shall not be issued until the Executive

Director approves the final study plan. The approved study shall be undertaken and completed by qualified coastal engineers, geologists, and marine biologists/ecologists, as appropriate, with demonstrated substantial relevant experience in their respective areas of expertise. Asterisks or other symbols included below as placeholders mean data collection/study design parameters to be finalized by the Commission technical services staff in consultation with the applicant's consultants during the preparation and review of the draft study plan. The final approved parameters of the study plan shall incorporate milestones and interim and final reporting requirements. Reporting requirements shall be quarterly, at a minimum, during the first study year. The final comprehensive report of the results of the study required herein shall be prepared and submitted for the review of the Executive Director prior to the expiration of Coastal Development Permit 4-02-251. The scope of the required studies set forth below shall ensure that both the revetment subject to this application, and the previously placed revetment at Goleta Beach that is presently subject to a pending (incomplete) coastal development permit application, are fully evaluated.

(A) Kelp Study

(1) Kelp Control Areas: Establish kelp study plots that can be used to study the interactions of kelp with changing sediment inputs. At least one study plot shall be established in the shallowest limits of the kelp, since this is the area most likely to experience seasonal shifts in sediment. Each plot shall be identified by coordinates that will allow a diver to return to each plot and regularly record data on sediment levels, kelp viability, plant density and other variables.

(2) Kelp Study: A qualified biologist shall make at least bi-monthly dive surveys of the kelp plots, measuring sediment levels and plant density and shall continue these surveys for at least two years (additional length of study may be required by Commission technical services staff upon review of applicant's draft study proposal). The viability and health of the kelp in each plot shall be assessed for each survey and each plot shall be photographed as part of each survey.

(3) Kelp Map: Within 6 months, prepare a detailed map of the tunicate casing areas and kelp areas offshore of Goleta Beach in the area bounded by Point A and Point B, and from the shoreline offshore to Depth X (parameters to be established in consultation with Commission staff). Within 12 months, add onto the map those areas that have the physical attributes to support kelp in the future.

(4) Reporting: Within two months after each complete year of kelp surveys, the biologist shall provide the executive director with a written report on the survey results, on the kelp viability, plant densities, the range of sediment levels and any information that can relate kelp viability and health with changes in sediment levels.

(5) Literature Review: The first Kelp report shall be augmented with a report on the known habitat requirements for this type of kelp – water temperature, clarity, sediment input, water depth, and any other factors identified in the literature. A complete bibliography shall be provided with this literature review.

(B) Intertidal and Sand Beach Ecosystem Study

(1) In consultation with Commission staff, develop study parameters including sampling design, location, protocols, and reference sites, to evaluate the impacts of the subject revetment and of potential alternatives to the revetment, including beach nourishment or “managed retreat” alternatives, on the biota of the sandy beach and intertidal areas at Goleta Beach, including invertebrate populations. The study shall include species that intermittently utilize the habitat, such as grunion, as well as shorebirds that use this area. The study shall identify the extent of sandy beach and intertidal habitats present at Goleta Beach, in relation to the footprint of the revetments in place, and such surveys shall be updated on approximately April 15, and October 15, annually, and after any significant storm event, for the life of this permit. The design of the study should seek to differentiate fluctuations in species diversity and abundance due to natural seasonal changes from those attributable to the revetments that have been constructed at Goleta Beach, and to extrapolate how other potential alternatives might impact the intertidal and sandy beach ecosystem. The design of the study shall incorporate identification of, and sufficient sampling at, sites up and down coast from the Goleta Beach revetment suitable for controls. In addition, the study shall also generate recommendations on potential mitigation measures to address individual and cumulative impacts of each potential alternative on the intertidal and sandy beach ecosystems.

(C) Sediment Transport Study

(1) Beach and Nearshore Profiles: Establish at least 6 profile locations to measure onshore-offshore transport of sediment at Goleta Beach. Work with the kelp biologist and known information on kelp recruitment locations to establish profiles that will both support the kelp study and minimize overall disturbance to the existing kelp. Profiles shall be approximately equally spaced and span the entire length of Goleta Beach. Profiles shall be undertaken in conformance with the protocols established in “Monitoring Plan of Offshore, Nearshore and Intertidal Resources for the Goleta Beach Nourishment Demonstration Project” (pages 3 and 4).

(2) Bathymetric Surveys/Profile Measurements: Profiles shall be surveyed bi-monthly, timed to coincide to the extent possible with the biological kelp surveys and shall be measured from the revetment to –40’ MLLW (closure depth).

(3) Sediment Budget Study: Develop a study to determine a sediment budget for Goleta Beach and the area offshore to the closure depth. This study should include:

- (a) Determination of the closure depth from the beach profile data described above, and an estimate of sand loss to deep water.
- (b) Estimates of the eastward flux of sand into the Goleta Beach area.
- (c) Estimates of the westward flux of sand out of the Goleta Beach area
- (d) Estimate of sand contributions to the Goleta Beach area from Atascadero Creek
- (e) Estimate of current and pre-revetment contributions of sand to the Goleta Beach area resulting from erosion of the bluff at Goleta Beach.

- (f) Any other sources or losses of sand to the Goleta Beach area
- (4) This study should be reported on in the final monitoring report.
- (5) Reporting: Within two months after each complete year of bathymetric surveys, the engineer or surveyor shall provide the executive director with a written report on the survey results, on the extend of onshore/offshore transport, the seasonal and/or storm influenced changes in sediment volume and depth throughout the profiles.
- (6) Literature Review: The first bathymetric survey report shall be augmented with a report on the known sediment transport characteristics of the area, longshore transport, sediment inputs, the sediment budget for the cell and, if possible, the sub-cell area, and any other factors identified in the literature. A complete bibliography shall be provided with this literature review.
- (7) Long-term Nourishment Programs: Within 18 months, develop the parameters for a long-term beach restoration program adequate to protect the park and access road. This program shall account for longshore sediment transport, ongoing beach and bluff erosion, sea level rise and other foreseeable factors that will affect the viability of a beach nourishment program. The program shall identify nourished profiles, adjusted profiles, nourishment frequency, and nourishment volumes for a program that could be successful for the next 50 to 75 years. The long-term nourishment program shall estimate changes to sea level, nourished profiles and adjusted profiles for the following time periods: 10, 15, 25, 50, and 75 years from the present.
- (8) Analysis of Long-term Shoreline Treatment Options: Within 18 months, estimate long-term changes to the shoreline profile for the options where the revetment is kept in place and for the managed retreat (no protection, but removal of facilities as they are threatened) alternative over the same time periods. Considering sea level rise and other foreseeable factors that will affect the shoreline, estimate shoreline profiles for these options for the following time periods: 10, 15, 25, 50, and 75 years from the present. Prepare these profiles in a manner that profiles for all future projections can be compared against each other.
- (9) Long-term Impacts to Kelp: Based on the anticipated long-term profiles for the nourishment option, the revetment option and the managed retreat option, provide an analysis of the long-term impacts and viability of the kelp areas under each option. Provide a report on this analysis within ** years (to be established in consultation with Commission staff).
- (D) The final interim and final reports generated through compliance with this Special Condition shall also fully reference, append, and incorporate any and all other applicable studies undertaken by the County and others, such as the beach profile and other studies required by the special conditions of Coastal Development Permit 4-02-128 (Santa Barbara County Department of Parks and Recreation), attached as Exhibit 11.

3. Interim Beach Management and Nourishment

(A) Prior to the issuance of Coastal Development Permit 4-02-251 but not later than February 1, 2004, the County shall submit a complete coastal development permit application to nourish any area of the subject revetment that may remain exposed as determined by a survey of the revetment on or before April 1, 2004. The application shall incorporate measures developed by a qualified biologist to nourish the affected beach area in a manner protective of grunion spawning activities and of other species that may utilize the affected area. If beach nourishment is deemed necessary by the Executive Director, based on the extent of exposed rock noted in the required survey, then sufficient beach nourishment to adequately cover the exposed area, with appropriate sand (i.e., of suitable grain size, color, and free of contaminants or debris), from a placement location inland of the revetment location and limited to the area of exposed rock, shall be implemented by the County not later than May 15, or as otherwise authorized or required pursuant to an approved coastal development permit. If the Executive Director determines that the revetment is adequately covered by sand at the time of the requisite survey, no nourishment shall be required.

(B) Prior to the issuance of Coastal Development Permit 4-02-251 but not later than March 31, 2004, the County shall submit a plan prepared by a qualified biologist to address the combined effects of beach and erosion management activities at Goleta Beach, for the duration of the term of Coastal Development Permit 4-02-251, for the review and approval of the Executive Director. The plan shall include feasible measures to enhance beach and intertidal habitat values to mitigate cumulative impacts on these habitats that may result from the combined effects of this project and other activities undertaken by the County on Goleta Beach (such as sand berm construction, beach grooming, etc.). Responsive mitigation measures may include, but not be limited to, retaining kelp detritus in some beach areas, limiting beach scraping in sensitive areas, limiting disturbance at the mouth of the Goleta Slough, or other measures the County deems feasible to improve habitat for invertebrate populations and foraging shorebirds dependant upon invertebrate food sources. The affects of any mitigation measures implemented by the County shall be considered in the studies required pursuant to Special Condition 2. The requirements of this condition shall not be interpreted in a manner that conflicts with or invalidates any active coastal development permit previously approved by the Commission. In addition, associated mitigation measures and applicable permit conditions for other active permit approvals secured by the County or others (i.e., BEACON) shall be reviewed and incorporated in the plan required by this special condition to the maximum extent feasible.

4. State Lands Lease

Prior to the issuance of Coastal Development Permit 4-02-251, the County shall provide evidence that a lease for the site of the subject revetment has been obtained from the California State Lands Commission, or provide written evidence from the State Lands Commission that no lease is required for the 30-month term authorized for temporary retention of the revetment pursuant to Coastal Development Permit 4-02-251.

5. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Location & Background

The project site is located at Goleta Beach County Park, which occupies approximately 29 acres with 4,200 feet of beach frontage in Santa Barbara County (Exhibit 1). Goleta Beach County Park is bounded on the west by the University of California at Santa Barbara, and to the north and east by private natural gas generation and storage facilities owned by Southern California Gas Company. An easement containing various utility and sewage lines traverses the park. To the northwest, Clarence Ward Memorial Boulevard separates the Park from the greater area of Goleta Slough and the Santa Barbara Municipal Airport.

Goleta Beach County Park is situated at the mouth of the Goleta Slough which is fed by five major drainages, Tecolotito, Carneros, San Pedro/Las Vegas, San Jose, and Atascadero Creeks. The outflow channel of Goleta Slough wraps around Goleta Beach County Park along the Park's northern boundary, outletting through Goleta Beach County Park property, east of the developed facilities.

Public access is available along the entire length of the park that is contiguous to the beach, nearly one mile in length. All portions of the park located landward of the sandy beach are located on top of a clay-rich fill base placed after World War II by the federal government. Prior to placement of the fill after World War II, the subject site was a sandspit extending across the mouth of Goleta Slough subject to wave action and periodic erosion.

Existing development on site consists of a restaurant, two public restrooms, showers, parking lots, recreation lawn area, picnic facilities, numerous utility lines, and a pier. In recent years, and most notably during the 1999 winter storm season, erosion of the

clay-rich fill underlying the park due to wave action has occurred forming a steep slope approximately four to five feet in height between the improved areas on site and the sandy beach.

The project site has been subject to past Commission action. Coastal Development Permit (CDP) 4-01-136 (Santa Barbara County Parks) approved construction of a temporary sand berm for the winter season from 2001-2002. Coastal Development Permit (CDP) 4-00-193 (Santa Barbara County Parks) approved the construction of a temporary sand berm for the winter season from 2000 to 2001, similar to the 2001-2002 project. Further, prior to the construction of the previous temporary sand berm under CDP 4-00-193, an approximately 1,000 feet long rock revetment was placed on the site by Santa Barbara County Department of Parks & Recreation in February 2000 as an emergency measure to prevent further erosion of the improved areas of the park pursuant to Emergency Permit 00-EMP-002, which was issued by Santa Barbara County. This action by the County was appealed by two members of the Commission. Prior to the Commission's determination of whether a substantial issue was raised by the appeal, the County submitted CDP Application 4-00-118 for removal of the previously constructed rock revetment. CDP 4-00-118 was approved by the Commission on June 13, 2000, subject to a special condition which required the rock revetment be removed prior to August 31, 2000. Pursuant to a request by Santa Barbara County Department of Parks & Recreation, the time allowed for removal of the rock revetment was extended by the Executive Director until November 30, 2000, in order to allow the County to avoid interference with the grunion spawning cycle and to secure the necessary permits from other State and Federal agencies. That rock revetment was subsequently removed, as was required pursuant to the special condition.

Although the rock revetment installed in 2000 was removed, a new rock revetment was placed on the beach in late 2002 pursuant to an Emergency Permit. In addition, there remains a smaller rock revetment on the subject site in front of a parking area and another rock revetment buried beneath the sand in the area of the pier. According to staff from the Santa Barbara County Department of Parks & Recreation, the rock revetment by the pier at the east end of the park was constructed in approximately 1950 with additional work performed in 1961. Staff from the Santa Barbara County Department of Parks & Recreation have also stated that it appears that the rock revetment that exists in front of a parking area at the western end of the park was installed between 1985 and 1986 without the benefit of a coastal development permit, although the County approved a permit for the parking area in 1984. In order to resolve this violation and plan a comprehensive solution to shoreline erosion at the park, staff from Santa Barbara County Department of Parks & Recreation have prepared a long-term alternatives analysis for the subject site, which recommends that these existing revetments be retained and re-engineering to protect Park infrastructure. The County has submitted a coastal development permit application for the temporary retention of the portion of the revetment that was placed under emergency Coastal Development Permit 4-02-251-G in December 2002. As noted previously, County and Commission staff have agreed that the information that will be generated by the special study required by Condition 2 will be crucial to analyzing the question of shoreline armoring generally at Goleta Beach, and thus the incomplete application for after-the-fact

authorization for the unpermitted portion of the revetment will be held incomplete until the study required pursuant to Special Condition 2 is completed. If the Commission does not approve CDP 4-02-251, the Commission enforcement staff will further evaluate the unauthorized revetment.

The County has previously relied on sand berm projects to control erosion at Goleta Beach County Park, and holds an active permit to authorize additional berm construction through May 2004 (extendable with Executive Director approval for an additional year thereafter). The coastal development permits approved for these projects specified that future CDP applications include a complete and detailed evaluation of the feasibility of all long-term solutions and potential alternatives to the proposed project, including importation of donor sand material from offsite inland sources and coordination with the Santa Barbara County Flood Control District in order to utilize sand material from local dredging projects for construction of the berms. Thus, to some extent various related permits already require the additional studies and alternatives analyses required by Special Condition 2.

The Goleta Beach Nourishment Project, a temporary erosion solution, was approved by the Commission last summer (CDP 4-02-254 BEACON) after the applicant made substantial revisions at the request of Commission staff, thereby avoiding sensitive kelp habitat offshore of Goleta Beach. The revised project consisted of dredging beach compatible sand from a borrow site located in the West Beach area of Santa Barbara Harbor, with sand transport to Goleta Beach over water by barge. The City of Santa Barbara Waterfront Department currently has a long-term permit (4-00-167) to remove sand from the West Beach area on an as-needed basis. The nourishment project included authorization for the placement of approximately 9,000 cubic yards of sand per day over 16 days. In addition, as noted previously, the County Parks has an active permit for beach berm construction (CDP 4-02-128) through Memorial Day 2004. The Executive Director may extend the permit for one additional year for good cause. Any construction, excavation, or sediment transport activities after the expiration of this permit will require the issuance of a new coastal development permit

D. Project Description & Purpose

The Executive Director authorized Emergency Coastal Development Permit 4-02-251-G on December 19, 2002. The permit authorized the County's request to place 600 linear feet of rock riprap revetment, approximately 6-8 feet in height, placed at a 1:1 – 1:1.5 slope, 15 ft. wide at base, and covering an approximately 9,000 sq. ft. area of Goleta Beach along the base of the existing lawn and parking lots at Goleta Beach County Park.

The County stated that the revetment was necessary to prevent further loss of park facilities due to tidal action and severe beach erosion, in the face of potential continuing winter storms.

Prior to placement of the revetment, the County Parks Department stated that approximately 16,000 sq. ft. of developed park lawn was lost in the month previous to the request, and that picnic sites and some portions of the public parking lot were

closed. The County noted that the erosion line was then within twenty-five feet of an existing public restroom, main water and sewer lines, and gas and irrigation lines. In addition, the County stated that 32 parking spaces (of approximately 550 existing spaces) had been lost to coastal erosion.

The County Parks Department notes that the edge of the eroded parking lot now protected with the most recent placement of riprap, is within ten feet of the pressure sewer main servicing Goleta Beach County Park's three public restrooms, the privately operated Beachside Bar and Café, and two ranger residences. The County states that without the rock revetment, and in the absence of a reliable alternative, any significant storm event could breach the utility easement and cause the failure of the sewer and other utility lines. A spill of untreated sewage into the marine environment could result, as would the significant disruption of other utility services.

As stated previously, the County's application is for the temporary retention of the subject revetment; however, Special Condition 1 allows for a total 30-month term for the temporary permit. The additional six months of time is for the purpose of allowing the County to fold the study requirement together with the scoping of the pending Environmental Impact Report (EIR) for Goleta Beach County Park options, to submit the resultant draft studies to the Executive Director for review, and for finalization of the study plans prior to the commencement of the two-year term afforded for completion of the actual studies.

The County believes that this timeline, and the joining of the EIR scoping process with the prior-to-issuance study development requirements, will help the County secure comprehensive package of studies and analyses. Like other counties and local governments, current fiscal constraints make it necessary for Santa Barbara County to seek alternative sources of funding for significant planning projects. The County obtained preliminary funds from the Coastal Conservancy and most recently from the County's own Coastal Resource Enhancement Fund, but additional funds will be necessary to carry out the studies required by Special Condition 2 in addition to the requirements of preparing an EIR.

The preparation of the draft study plans may necessarily precede the complete EIR scoping process, however, to ensure sufficient time for review and approval of the draft and final plans by the Executive Director. The final approved study must be available for implementation of the actual studies by July 1 if the permit timeline is to stay on track. The timelines of Special Condition 2 address the County's request to track the EIR process to the extent possible (for the sake of resolving the County's funding concerns). The County staff estimate that scoping of the anticipated EIR will commence by March or April 2004. The requirements of Coastal Development Permit 4-02-251 stand alone, however, and in the event that unforeseen delays occur in the County's separate public facilitation and environmental review processes, the obligations of the coastal development permit, including timely compliance with all permit conditions, are still the County's responsibility.

D. Shoreline Protective Devices

Shoreline armoring is addressed by Coastal Act Section 30235, which states that:

Section 30235 Construction altering natural shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

The County's request for temporary retention of one revetment and the permanent retention of an older revetment placed without benefit of coastal development permits (incomplete application) constitute proposals for shoreline protective devices to protect existing development or public beaches in danger from erosion, pursuant to Coastal Act Section 30235 set forth above.

Shoreline armoring projects may also raise issues addressed by Coastal Act Sections 30210 et seq. (public access and recreation), Sections 30230, 30231, 30240 (protection of marine resources, including special protection of areas of special biological significance, such as the Kelp Environmentally Sensitive Habitat area offshore of Goleta Beach, and protection of coastal aquatic resources), and others, including visual resource policies.

The County initially considered applying for permanent retention of the revetment placed under emergency permit 4-02-251-G in December 2002, in addition to a coastal development permit for after-the-fact approval for an additional revetment placed at Goleta Beach in the 1980s. Commission staff encouraged the County to restrict the application for retention of the emergency revetment to an application for a temporary term of approximately two years, for the purpose of undertaking substantive studies of alternatives to address coastal erosion at Goleta Beach. In accordance with this suggestion, the County submitted an application to retain the revetment for a two-year term. The application was submitted in April, 2003, within the specified term of the emergency permit (without an application to retain the revetment, the emergency permit required the revetment's removal in May, 2003).

The concept of retaining a temporary revetment and of undertaking the studies outlined in Special Condition 2 is that protection of the park facilities and utility lines could be ensured while adequate technical studies and alternative analyses were prepared. This approach was supported by Commission staff to provide the County Board of Supervisors, and ultimately the Commission, with better informational tools to evaluate the long-term alternatives for management of coastal erosion at Goleta Beach County Park.

The County is also separately undertaking a public “visioning” process for Goleta Beach County Park. Under the joint auspices of Santa Barbara County Second District Supervisor Susan Rose, and County Parks Department Director Terri Maus-Nisich, a series of public workshops commenced last summer and a working group convened by the County is expected to finalize recommendation for the future of the park by early March, with environmental review to commence immediately thereafter. The County anticipates evaluating coastal erosion at Goleta Beach as a significant component of the forthcoming environmental review and requested that the timeline incorporate the scoping of the EIR. The County hopes that combining any technical studies required by the Commission with other requirements for preparation of a forthcoming EIR concerning Goleta Beach County Park management, will help the County secure funding for the entire package.

The Commission staff and County staff representatives agreed conceptually that given the lack of sufficient data concerning coastal erosion and alternative solutions at Goleta Beach County Park, and the County’s desire to clarify objectives for the park’s future, that a period of study and analysis might be the option that would best allow decision-makers to address a long term solution for erosion management at Goleta Beach.

The County staff, however, also raised concerns about the risk of severe damage if further erosion occurs after removal of the revetment. The County staff states that they intend to consider all potential alternatives, including removal of the revetment, in forthcoming studies, but want to ensure that reliable protection is in place during the review process.

Beach nourishment projects have not survived severe storm wave attack at Goleta Beach during the past few years, and the extent of erosion already present leaves little room for error according to County staff. In some locations, erosion has come within ten feet of utility lines, including sewage lines serving multiple users.

The County staff states that retention of the revetment –at least temporarily – is the only way to provide reliable protection of threatened park facilities and utility lines long enough for the preparation of the necessary studies. The County does not believe that alternative solutions offer sufficient protection for the temporary period proposed – particularly for protection of buried utility lines, and thus will not propose the use of geotubes, traditional sand bags, or additional sand nourishment in lieu of the revetment for use during the temporary term. The County staff indicates that they will fully consider such strategies, and the possible relocation of affected structures as part of a permanent proposal, but that the County is concerned about potential liability for the failure of utility lines running through County easements at the park should further erosion result after removal of the existing revetment.

The most important consideration in weighing the retention of the subject revetment for a temporary term, against the temporary use of alternatives that may be available for a similar term, is the question of whether there is another way to protect the threatened structures at Goleta Beach County Park with lesser impacts to coastal resources. Other options include removing the revetment and allowing wave energy to affect the beach while relocating landward (where possible) threatened structures (a retreat

option), using geotubes, traditional sandbags, and/or beach nourishment (berms, etc.) to reduce erosion (soft solutions), or possibly a combination of the two (managed retreat).

The first option is unacceptable to the County because severe damage to park facilities may result. Coastal erosion is already so severe at Goleta Beach County Park that from the County Parks Department perspective, further retreat implies the planned sacrifice of public facilities and utility lines. Relocation of the utility lines, public restrooms, parking, picnic areas, and other park features threatened by erosion would be expensive and the County is unwilling to take on this expense until or unless such action is a necessary component of a permanent future alternative (such as a managed retreat plan).

The County at the request of Commission staff evaluated the second option noted above (soft solutions). Exhibit 10 contains a letter from County Parks Department that, among other issues, addresses the County's response to implementation of soft solutions in lieu of the revetment during the permanent project review that is forthcoming. The County determined that there was a significant risk of vandalism to geotubes, which are easily cut open and have been vandalized in other jurisdictions polled by the County. Beach nourishment is being actively pursued at Goleta Beach, but sand berms and other nourishment actions have not survived episodes of severe wave attack. The County states that further storm damage similar to that experienced during the past three years would likely result if only soft solutions are implemented at Goleta Beach.

Finally a managed retreat option – soft solutions combined with strategic relocation of threatened structures – has not been rejected by the County, but is not acceptable at the present time because the County has not arrived at a final proposal for Goleta Beach County Park that incorporates retreat. Alternative locations for the threatened utility lines have not been identified, though the County has undertaken preliminary review of options. Ultimately, if the utility lines are relocated, the cost could be up to \$6 million according to the Parks Department staff. While that might ultimately be acceptable as part of an overall permanent solution (the County has not ruled out a collaborative approach to managed retreat), the County states that this option is too costly to undertake at the present time.

In addition, each of these alternatives would require removal of the subject revetment placed last December. If the revetment is removed and the rock stacked close by for re-use if necessary, a number of impacts could result. For example, the revetment is buried with sand presently, and unless there is significant wave action, the revetment may remain buried. If so, removal of the rock would require stripping off the beach sands covering the rock. Such disturbance would likely cause significant disruption to beach and intertidal habitat, and if undertaken during potential grunion runs (the season may last February through September), could interfere with spawning activities. (Special Condition 3 requires that the temporary revetment be covered with sand from an inland staging location if the revetment is exposed after storm season, thereby ensuring grunion spawning habitat is not displaced by the revetment).

Moreover, the initial disturbance caused by the placement of the rock has already been absorbed by the beach environment. If the rock is removed and stacked, and wave attack causes further emergency conditions at some point during the forthcoming review of long term alternatives, all of the impacts associated with initially putting the rock in place would be visited again upon the beach and intertidal habitat. In addition, the deployment of heavy equipment in the park, and potentially on the beach, would be repeated, with attendant inconvenience to beach and park users.

Finally, the visual impacts associated with rock stacked on the public parking lot may be more significant than the visual impacts associated with use of the same materials in a revetment that is buried by sand most of the time. The rock would be exposed for the entire time it remains in the parking lot. The rock pile may also attract children visiting the park and could thus require placement of chain link fences to protect children from hazards.

In addition, many biologists think that significant quantities of large, exposed rock in a beach environment invites colonization by rodents, which sometimes prey on the eggs and hatchlings of nesting shorebirds.

The retention of the revetment faces significant opposition in the community, while retention of the revetment to protect popular park facilities attracts equal support, according to the County staff (a number of well-attended public meetings have offered the County the opportunity to gauge public sentiment concerning options at Goleta Beach County Park). Opponents of the revetment, including the Environmental Defense Center, representing the Santa Barbara Chapter of the Surfrider Foundation, believe the rock revetment should be removed immediately.

The EDC also opposes even the temporary retention of the revetment for the proposed term, but suggests that the revetment at least be removed after the present storm season and the rock stockpiled. Under this scenario, project opponents recommend that the County remove the rock revetment in April 2004 and restack the rocks on the damaged portion of the adjacent public parking lot. The rock would then be retained on this parking lot so that it would be available for placement on the beach under future emergency storm conditions. This alternative was discussed above.

In response, the County staff states that the option of removing the rock after this storm season ends, but before the completion of the technical study/EIR process affords consideration of a permanent solution, would not only potentially cause other adverse impacts on coastal resources but would incur unnecessary public expense. The County estimates that removal and retention of the rock would cost at least \$50,000 and replacement of the rock would cost an additional \$40,000. Of greater concern to the County is the additional potential cost of repairing damaged facilities if the rock is not returned swiftly enough to prevent further storm damage.

The County notes that erosion at Goleta Beach County Park presently extends to within approximately ten feet of the utility lines buried in an easement traversing the park. According to County staff, the companies owning the utility lines would only relocate the lines if the work were undertaken at County expense and if an acceptable location for

the new route could be identified. The County estimates that the cost of such relocation could amount to \$6 million and would not be warranted while the required studies and alternative analyses are pending, and that preliminary review has identified a number of difficulties siting a new route for the lines.

At the request of Commission staff, the County specifically considered “softer” alternatives that might be utilized on an interim basis instead of the revetment. Such measures may typically include the use of geotubes, sand bags, sand construction (i.e. berms) The County responded that vandalism of geotubes has been easily accomplished in jurisdictions they surveyed and that the County is concerned that the geotubes could fail, causing catastrophic damage to utility lines and other facilities that presently require the reliable protection afforded by the subject rock revetment. The County notes that active coastal development permits for sand berm construction at Goleta Beach are in place, and that reliance on sand berms and other beach nourishment solutions has been factored into the placement of the revetment – the County limited the revetment to less than what they had originally believed necessary and factored the use of berms into their plan as much as they believed feasible. But the County, as stated previously, does not believe soft solutions can presently afford sufficient protection to ensure that utility lines, public restrooms, and other development at the park will be free of further damage.

The Commission finds that there is insufficient evidence to evaluate the relative impacts of the temporary retention of the revetment, versus the impacts that may result if the revetment is removed before a permanent solution to erosion at Goleta Beach has been identified and implemented, in a manner that identifies a clearly superior alternative. Removal of the rock revetment without the identification and implementation of an effective alternative to the erosion of Goleta Beach may lead to further damage and loss of both public and private development, including Goleta Beach County Park recreational amenities. Moreover, removal of the subject revetment without an effective alternative for the duration of necessary studies outlined in Special Condition 2 would potentially lead to the emergency placement of the revetment again, in this way doubling the construction-related disturbance and adverse impacts upon the beach environment caused by placing the rock on the beach again. Therefore it is not clear that removing the rock instead of authorizing temporary retention of the revetment would have fewer impacts on coastal resources than simply retaining the rock during this period. Instead, it is possible that the alternative of removing the rock revetment would lead to greater impacts on the marine environment and coastal access and recreation, than would the alternative of simply retaining the rock, with feasible mitigation measures afforded by Special Condition 3 (beach nourishment and management measures).

As stated above, Coastal Act Section 30235 sets forth the requirements for consideration of shoreline protective devices. The County Parks Department has established that existing structures at Goleta Beach County Park are in danger of serious damage or destruction due to further wave attack and associated beach erosion if the subject revetment is removed before or unless an alternative solution is implemented, or unless a managed retreat (abandonment and/or relocation of structures) is undertaken.

Section 30235 requires that shoreline protective devices be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The subject revetment is presently mostly buried under sand due to the lack of significant storm wave energy to date this season. Storm waves could expose the rock during the remainder of the storm season, however, and unless nourishment with suitable sand supplies is undertaken, the rock would remain exposed until seasonal re-deposition of sands occurs. In the interim, the exposed rock would adversely impact public coastal views of Goleta Beach and would also displace sandy beach habitat used by spawning grunion (a small fish that spawns on the sandy beach in concert with lunar/tidal cycles between approximately February and September annually) and invertebrate organisms that colonize beach sands. Special Condition 3 requires the County to obtain a coastal development permit for beach nourishment to cover the exposed revetment if necessary after April 1, 2004. Implementation of Special Condition 3 will ensure that the impacts of the temporary revetment on beach sands are mitigated to the extent feasible, in accordance with the requirements of Coastal Act Section 30235.

While County Parks has a basis for seeking a revetment under Coastal Act Section 30235, the County also acknowledges that other feasible alternatives may exist for permanent management of erosion at Goleta Beach and that these alternatives deserve full consideration in the forthcoming studies. The County acknowledges that there is insufficient information to conclude at this time what the best option for addressing long term coastal erosion at Goleta Beach County Park is. The County disputes the EDC assertion that the temporary retention of the revetment is having permanent adverse impacts on beach sand supplies at Goleta Beach, but the County does not dispute that the revetment occupies a portion of the sandy beach, and that even with nourishment the beach environment may be altered by the long term placement of shoreline protective structures. Thus the County and the Commission concur that undertaking and completing the studies required by Special Condition 2 will better enable all concerned parties to evaluate relevant information that is presently unavailable and thereby arrive at better informed decisions concerning the long term solution to management of Goleta Beach.

Although project opponents assert that the revetment has caused, and will continue to cause short term loss of sandy beach and other impacts, the County indicates that their surveys of the beach do not support this complaint. In addition, opponents have not identified alternatives that can with any certainty be demonstrated to produce fewer impacts – particularly when measured against the impacts of removing – and the putting back in place – the rock revetment the County proposes to retain temporarily through this coastal development permit.

Therefore, for all of the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with the requirements of Coastal Act Section 30235.

E. Other Chapter 3 Policies

Other Coastal Act policies applicable to consideration of shoreline protective devices may include those protective of marine resources, coastal waters, environmentally sensitive habitat, public coastal access and recreation, and visual resources.

Applicable sections of the Coastal Act include:

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast.

The project site is located within a county-operated park available for public use. Public access is available along the entire approximately one mile length of the park that is contiguous to the beach. In recent years, and most notably during the 1999 winter storm season, wave caused erosion of the clay-rich fill underlying the park has occurred forming a steep slope (or drop-off) approximately four to five feet in height between the improved areas on site (the portion of the site constructed on fill) and the sandy beach.

Public access may be impeded somewhat by the proposed project. After storm season the revetment may be exposed, which could impede public access. Special Condition 3, however, requires nourishment with suitable sand on the exposed portion of the revetment after storm season but prior to the peak use period commencing after Memorial Day. Nourishment activities, if necessary, will also result in some adverse effects to the public's ability to access the sandy beach since beachgoers would be required to avoid the nourishment areas during placement and grading and staging areas.

In addition, Coastal Act Section 30210 requires the provision of public coastal recreational opportunities. The temporary retention of the revetment will ensure that public facilities at Goleta Beach County Park, including parking and public restrooms, are not further damaged while studies evaluate the best long-term solution to erosion of the adjacent beach area. Therefore, the project as proposed is consistent with Coastal Act Section 30210.

The Commission finds that the proposed project, as conditioned, will not significantly impact recreational opportunities and public access at the project site, and therefore the project is consistent with Sections 30210 and 30211 of the Coastal Act.

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As stated previously, the proposed project would retain the subject revetment for a limited term while studies proceed (Special Condition 2). The required studies would evaluate the impact of the revetment, as well as alternatives to the revetment, on the offshore kelp habitat adjacent to Goleta Beach, and on the beach and intertidal habitat. In addition, Special Condition 3 requires the County to nourish the revetment with beach sand after storm season, as necessary, and in accordance with a plan to limit any impacts of the nourishment on sensitive species. Nourishment will facilitate public access across the buried revetment, and will also ensure that grunion spawning habitat is not displaced by the revetment.

In addition, Special Condition 3 requires the County to manage the multiple activities conducted on Goleta Beach, including activities undertaken by BEACON, in a manner that enhances beach and intertidal habitat value to the extent feasible, consistent with

other applicable permit approvals. Responsive management activities may include, but are not limited to, minimizing beach grooming/removal of kelp detritus, limiting access at the mouth of Goleta Slough, and ensuring that beach nourishment activities are undertaken in accordance with applicable conditions designed to reduce impacts on sensitive species.

Finally, and as discussed above, the proposed project is a temporary measure to address beach erosion while conducting extensive studies of alternatives that would address erosion at Goleta Beach. Other temporary alternatives, such as removing and retaining the rock with the possibility of placing it again during emergency storm conditions, also pose significant impacts and the comparative extent of the impacts cannot be determined over the temporary term of the subject permit.

Project opponents assert that there is evidence that the short-term use of the revetment has caused, and will exacerbate over the proposed term, sand losses at Goleta Beach. The County counters that surveys show no such sand loss, and that seasonal fluctuations in the amount and location of beach sand deposits are within expected range. The County states that their surveys do not support the assertion that the sandy beach has diminished in a manner that can be attributed to the presence of the revetment, and point out that the revetment is covered by sand most of the time. This does not mean that the revetment could not cause the loss of beach sands over the long term, as this is typically the impact of revetments when placed along sandy beaches. The proposed project is not, however, an application for a permanent revetment at Goleta Beach, but rather for a short term (thirty-month term, added to the approximately one year since original placement of the revetment) sufficient to enable technical studies of the revetment and its alternatives.

For all of the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210, 30211, 30230, 30231, and 30240.

F. Local Coastal Program

The proposed project area lies within the unincorporated area of County of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction because it is located on state tidelands or is below the mean high-tide. The Commission has certified the Local Coastal Program for the County of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The Commission finds that there is presently insufficient information to adequately evaluate the full range of potential impacts that the proposed project (a thirty-month retention of the subject revetment at Goleta Beach) – or any feasible alternatives to it – may have on coastal resources, that identification of feasible mitigation measures for approval of any permanent project to control erosion at Goleta Beach is thus necessarily incomplete as well. Some measures to mitigate the potential impacts of an exposed revetment (sand nourishment), and the occupation of sandy beach combined with other County-sponsored beach management practices may have impacts to shoreline and intertidal organisms that while not fully understood absent better studies that would be completed by applicable Special Condition 2, it is reasonable to conclude that there may be cumulative impacts to these resources that can be feasibly mitigated through implementation of Special Condition 3. Therefore, the Commission finds that approval of the project with the required Special Conditions, including the retention of the subject revetment for a study term of thirty (30) months, is consistent with the California Environmental Quality Act and with the applicable policies of the Coastal Act.